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Attorneys for Defendant-Intervenor Spring Creek Coal LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

WILDEARTH GUARDIANS, *et al.*,)
Plaintiffs,) CV 17-80-BLG-SPW-TJC
v.)
DAVID BERNHARDT, in his official)
capacity of Secretary of the Interior, *et*
al.,)
Defendants,)
and)
SPRING CREEK COAL LLC,)
Defendant-Intervenor.)

Intervenor-Respondent Spring Creek Coal LLC (“Spring Creek”) files this Suggestion of Bankruptcy to inform the Court and parties that on May 10, 2019, Spring Creek, along with certain of its affiliates (collectively, the “Debtors”), filed voluntary petitions in the United States Bankruptcy Court for the District of Delaware (“Bankruptcy Court”), seeking relief pursuant to Chapter 11 of title 11 of the United States Code (“Bankruptcy Code”). Spring Creek’s petition is Case No. 19-11066 (a copy is attached as Exhibit 1). The Debtors’ cases are being jointly administered under Cloud Peak Energy Inc. et al., Case No. 19-11047 (“Bankruptcy Cases”).

PLEASE TAKE NOTICE that, pursuant to section 362(a) of the Bankruptcy Code, the Debtors’ filing of the voluntary petitions operates as a stay, applicable to all entities, of, among other things: (a) the commencement or continuation of a judicial, administrative, or other action or proceeding against the Debtors (i) that was or could have been commenced before the commencement of the Debtors’ cases or (ii) to recover a claim against the Debtors that arose before the commencement of the Debtors’ petition; (b) the enforcement, against the Debtors or against any property of the Debtors’ bankruptcy estates, of a judgment obtained before the commencement of the Debtors’ cases; or (c) any act to obtain possession of property of or from the Debtors’ bankruptcy estates, or to exercise control over

property of the Debtors' bankruptcy estates. Nothing in this notice shall be construed to affect the exceptions contained in sections 362(b).

PLEASE TAKE FURTHER NOTICE that, pursuant to section 525 of the Bankruptcy Code (and subject to the exceptions set forth in section 525(a) of the Bankruptcy Code), all foreign and domestic governmental units are prohibited and enjoined from: (a) denying, revoking, suspending or refusing to renew any permit, license, charter, franchise or other similar grant to the Debtors; (b) placing conditions upon such a grant to the Debtors; or (c) discriminating against the Debtors with respect to such a grant, solely because the Debtors are debtors under the Bankruptcy Code, may have been insolvent before the commencement of the Bankruptcy Cases, are insolvent during the pendency of these chapter 11 cases, are insolvent during these cases but before the Debtors are granted or denied a discharge or have not paid a debt that is dischargeable in the Bankruptcy Cases.

In light of the foregoing, Spring Creek respectfully notifies the Court that the above-captioned action is automatically stayed under section 362(a) of the Bankruptcy Code. The Debtors reserve their right to bring an action in the Bankruptcy Court for any violation of the automatic stay under section 362(a) of

the Bankruptcy Code related to, among other things, the continuance of the above-captioned action.¹

Dated this 21st day of May, 2019.

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/s/ Andrew C. Emrich
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¹ Nothing in this notice shall constitute a waiver of the right to assert any claims, counterclaims, defenses, rights of setoff or recoupment or any other claims of the Debtors against any party to the above-captioned case. The Debtors expressly reserve the right to contest any claims which may be asserted against the Debtors.

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2019, I electronically filed the foregoing document, Defendant-Intervenor Spring Creek Coal LLC's Suggestion of Bankruptcy, with the clerk of the court for the United States District Court for the District of Montana using the CM/ECF system.

/s/ Andrew C. Emrich
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Attorney for Defendant-Intervenor
Spring Creek Coal LLC

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